

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                        |   |                     |
|------------------------|---|---------------------|
| CALLAWAY GOLF COMPANY, | ) |                     |
|                        | ) |                     |
| Plaintiff,             | ) |                     |
|                        | ) |                     |
| v.                     | ) | Civ. No. 06-091-SLR |
|                        | ) |                     |
| ACUSHNET COMPANY,      | ) |                     |
|                        | ) |                     |
| Defendant.             | ) |                     |

**ORDER**

At Wilmington this 10th day of November 2008, consistent with the memorandum opinion issued this same date;

IT IS ORDERED that:

1. Defendant's motion to dismiss plaintiff's breach of contract claim (D.I. 471) is granted.
2. The court's order of November 20, 2007 is vacated with respect to the parties' motions for summary judgment on plaintiff's breach of contract claim. (D.I. 348, ¶¶ 1, 4)

  
United States District Judge